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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,450

06/19/2006

Johan Willy Declerck

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

ZACHARIA, RAMSEY E

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,450	Applicant(s) DECLERCK, JOHAN WILLY	
	Examiner Ramsey Zacharia	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/19/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The specification is objected to because of informalities such as: it does not contain a section under the heading "Brief Description of the Drawings."

The applicant is requested to review the application thoroughly and make all appropriate corrections.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 8, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 7 recites the limitation "the foil of PCTFE" in line 3. There is insufficient antecedent basis for this limitation in the claim.
5. The phrase "to form a two-layer roll" at the end of claim 8 renders the claim indefinite because it is unclear if the method manufactures a film (as required by claim 7 from which claim 8 depends) or a roll.
6. The phrase "coating the second roller with rubber" in lines 1-2 of claim 11 renders the claim indefinite because it is unclear if this is intended to mean that the outer surface of the

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second roller is rubber or if the method for manufacturing the film comprises the application of rubber to the roller during manufacture.

Claim Language

7. For the purpose of examination: the PCTFE foil recited in claim 7 is taken to be the PCTFE layer of claim 1, the "to form a two-layer roll" in claim 8 is taken to mean that the jointing layer and the polyolefin layer are brought together on one roller before the compressing step, and the roller of claim 11 is taken to have an outer surface comprising rubber.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 63-224944 A.

This action relies upon the Derwent abstract and a preliminary oral translation of JP 63-224944 A because an English language translation was not available at the time of this action.

JP 63-224944 A teaches a multilayer film formed by co-extrusion comprising an ethylene-ethyl acrylate-maleic anhydride layer bonded to a polychlorotrifluoroethylene layer by ethylene-glycidyl methacrylate-vinyl acetate polymer (abstract). The ethylene-ethyl acrylate-maleic anhydride layer corresponds to the polyolefin layer of the instant claims. The ethylene-glycidyl

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methacrylate-vinyl acetate polymer corresponds to the jointing layer of the instant claims. In the embodiment of the example, the polychlorotrifluoroethylene layer has a thickness of 150 μm .

10. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai (US 6,306,503).

Tsai teaches a multilayer film comprising a fluoropolymer layer attached to a thermoplastic layer by means of an intermediate adhesive layer (column 2, lines 20-26). Preferably, the fluoropolymer is a homopolymer or copolymer of chlorotrifluoroethylene (column 2, lines 34-37). Preferably, the thermoplastic layer comprises a polyolefin (column 2, lines 52-53). The fluoropolymer layer may have a thickness of up to 10 mils, i.e. $\sim 250 \mu\text{m}$ (column 4, lines 9-10). The multilayer film may be formed in any conventional manner including coextrusion and lamination (column 3, lines 58-64).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (US 6,306,503) in view of Annegret (EP 1,287,909).

Tsai teaches all the limitations of claims 7-12, as outlined above, except for the specific details of the extrusion/lamination process. However, Tsai does teach that the multilayer film may be prepared in any convention manner (column 3, lines 58-64).

Annegret is directed to a method for forming coatings and laminations (paragraph 0001). Figures 2-10 illustrate various embodiments for adhering first and second substrates with a hot melt adhesive wherein the adhesive is extruded and the laminate is compressed between first and second rollers (paragraph 0030). The adhesive may be extruded on a first layer to form a two layer on one of the rollers before passing through the nip between the rollers (e.g. Figures 2 and 3). Alternatively, the adhesive may be extruded between the rollers guiding the first and second layers through to the nip (Figure 4). The rollers may be heated (paragraph 0033) and at least one roller typically comprises rubber (paragraph 0031). The method of Annegret avoids streaking and striation problems and allows the lamination to be carried out inline or offline (paragraphs 0006-0007).

One skilled in the art would be motivated to use the method of Annegret to form the multilayer film of Tsai to yield a product that does not suffer from streaking and striation problems and to take advantage of the ability to operate inline and/or offline as needed, particularly since Tsai explicitly teaches the multilayer film may be prepared in any conventional manner.

With respect to claim 8, it would be within the ability of one skilled in the art to extruded the adhesive onto either of the layers, including the polyolefin layer, since the adhesive adheres to both layers (otherwise it would not keep the laminate together) and both layers are compressed

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together through the same nip. Thus, one skilled in the art would be expected to have an equal expectation of success regardless onto which layer the adhesive was extruded.

With respect to claims 10-12, since either roller may be designated an "the first roller" or "the second roller," the fact that at least one roller is heated and at least one roller typically comprises rubber is sufficient to satisfy the limitations of these claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ramsey Zacharia/

Primary Examiner, Art Unit 1794